

# VOTE *Attorney- General*

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## *Attorney-General*

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### Overview

Departmental appropriations sought for Vote Attorney-General in 2004/05 total \$51.737 million. This is intended to be spent as follows:

- \$18.195 million (36% of the Vote) on providing legal advice and representation services directly to central government departments and Crown agencies.
- \$29.888 million (58% of the Vote) on providing a national Crown prosecution service, which conducts and administers criminal trials on indictable offences and appeals against conviction and sentences arising out of summary prosecutions.
- \$1.679 million (3% of the Vote) on the conduct of appeals arising from criminal trials on indictment and from Crown appeals against sentence.
- \$1.475 million (3% of the Vote) on providing legal and administrative services to the Attorney-General and Solicitor-General to assist them in the exercise of their statutory functions and responsibilities.

The Office will also receive a capital contribution of \$0.500 million to assist with the move to new premises in 2004/05.

Details of how the appropriations are to be applied appear in Parts B1 and C of this Vote.

# *Attorney-General*

VOTE MINISTER: Attorney-General

ADMINISTERING DEPARTMENT: Crown Law Office

The Attorney-General is the Responsible Minister for the Crown Law Office

## Part A - Statement of Objectives and Trends

### A1 - Objectives for Vote Attorney-General

#### *Related Government Outcomes*

Vote Attorney-General will contribute to the key Government goals for the public sector, in particular, those that are aimed at maintaining trust in government by building safe communities, and through the promotion of a strong and effective public service.

The government goals have been incorporated into specific outcomes developed by organisations belonging to the Justice Sector, of which the Crown Law Office is a part. These sector outcomes are:

- Safer communities (being communities in which there is reduced crime and in which safety and wellbeing is enhanced through partnerships).
- A fairer, more credible and more effective justice system (being a system in which people's interactions are underpinned by the rule of law and justice services are more equitable, credible and accessible).

Achievement of the Government's goals and sector outcomes is assisted by the contribution made by Vote Attorney-General to:

- protecting the Crown's legal interests
- supporting the responsibilities of the Crown and its agencies
- the maintenance of law and order
- the maintenance of public interest factors in the application of the law.

#### *Output Classes*

To achieve these objectives the appropriations in Vote Attorney-General provide for the purchase of the following services:

- Legal advice and representation services to central government departments and Crown agencies.
- A national Crown prosecution service, which undertakes criminal trials on indictment, and appeals arising out of summary prosecutions.
- Conduct of appeals arising from criminal trials on indictment and from Crown appeals against sentence.
- Legal and administrative services for the Attorney-General and Solicitor-General in the exercise of Principal Law Officer functions.

## **A2 - Trends in Vote Attorney-General**

The trends in Vote Attorney-General are largely influenced by the demand for legal advice and representation services by clients of the Crown Law Office and the volume and cost associated with providing a national Crown prosecution service.

The demand for legal advice and representation services provided by the Office has continued to grow during the period of the trend analysis. This trend is measured, in part, by the number of new instructions received. The instructions, however, vary considerably in nature, size and complexity and do not necessarily reflect the amount of legal resource, in the form of counsel and legal support staff, that is required to manage a variety of large and small litigation matters as well as address requests for complex and often urgent advice. Resources within the Office, in terms of legal staff, support structures and research services and technologies, continue to be focussed towards meeting client demands for an effective and responsive service.

The Crown prosecution service comprises a network of Crown Solicitors whose responsibilities include the conduct of all trials of indictable crime, and appeals arising out of summary prosecutions. There has been an increase in the volume and a change in the mix of trials and appeals over the trend analysis period. Costs have also increased, although sometimes at a slightly higher rate reflecting the particular nature and complexity of some trials and appeals. The trends in volumes and expenditure on trial and appeal activity are influenced by the charges brought by New Zealand Police and other prosecution agencies, the nature, severity and complexity of the cases brought, and the capacity of the courts to conduct trials and appeals in each year.

## Reconciliation of New Initiatives to Appropriations

Initiative	Appropriations as shown in Part B	\$000 increase/(decrease)				
		2003/04	2004/05	2005/06	2006/07	2007/08
Expenditure on Crown Prosecution Services	Departmental Output Class - Supervision and Conduct of Crown Prosecutions	3.789	3.561	3.561	3.561	3.561
Conduct of Criminal Appeals	Departmental Output Class - Conduct of Criminal Appeals	0.442	-	-	-	-
<b>Total Initiatives</b>		<b>4.231</b>	<b>3.561</b>	<b>3.561</b>	<b>3.561</b>	<b>3.561</b>

## Trends in Vote Attorney-General - Summary of Appropriations and Crown Revenue

Types of Appropriation	1999/2000	2000/01	2001/02	2002/03	2003/04		2004/05 Appropriations to be Used				2005/06	2006/07	2007/08	
	Actual \$000	Actual \$000	Actual \$000	Actual \$000	Budget \$000	Estimated Actual \$000	By the Department Administering the Vote		For Non-Departmental Transactions		Total \$000	Estimated \$000	Estimated \$000	Estimated \$000
							Annual \$000	Other \$000	Annual \$000	Other \$000				
<b>Operating Flows</b>														
Classes of Outputs to be Supplied	37,341	38,563	41,090	44,450	49,499	49,499	51,237	-	-	-	51,237	50,658	50,658	50,658
Benefits and Other Unrequited Expenses	-	-	-	-	-	-	N/A	N/A	-	-	-	-	-	-
Borrowing Expenses	-	-	-	-	-	-	N/A	N/A	-	-	-	-	-	-
Other Expenses	-	-	-	-	-	-	-	-	-	-	-	-	-	-
<b>Capital Flows</b>														
Capital Contributions	-	-	-	-	-	-	500	-	-	-	500	(500)	-	-
Purchase or Development of Capital Assets	-	-	-	-	-	-	N/A	N/A	-	-	-	-	-	-
Repayment of Debt	-	-	-	-	-	-	N/A	N/A	-	-	-	-	-	-
<b>Total Appropriations</b>	37,341	38,563	41,090	44,450	49,499	49,499	51,737	-	-	-	51,737	50,158	50,658	50,658
<b>Total Crown Revenue and Receipts</b>	-	-	-	-	-	-	N/A	N/A	N/A	N/A	-	-	-	-

## Part B - Statement of Appropriations

### Details of Appropriations

	2003/04				2004/05		Description of 2004/05 Appropriations
	Vote		Estimated Actual		Vote		
Appropriations	Annual \$000	Other \$000	Annual \$000	Other \$000	Annual \$000	Other \$000	
<b>Departmental Output Classes (Mode B Gross)</b>							
Legal Advice and Representation	16,716	-	16,716	-	<b>18,195</b>	-	Providing legal advice and representation services to central government departments and Crown agencies.
Supervision and Conduct of Crown Prosecutions	29,506	-	29,506	-	<b>29,888</b>	-	Provision of a national Crown prosecution service which undertakes criminal trials on indictment, and appeals arising out of summary prosecutions.
Conduct of Criminal Appeals	1,885	-	1,885	-	<b>1,679</b>	-	Conducting appeals arising from criminal trials on indictment and from Crown appeals against sentence.
The Exercise of Principal Law Officer Functions	1,392	-	1,392	-	<b>1,475</b>	-	Providing legal and administrative services to the Attorney-General and Solicitor-General to assist them in the exercise of their Principal Law Officer functions.
<b>Total Appropriations for Departmental Output Classes (Mode B Gross)</b>	49,499	-	49,499	-	51,237	-	
<b>Capital Contributions to the Department</b>							
Capital Investment	-	-	-	-	<b>500</b>	-	Provision of working capital to assist with the move to new premises in 2004/05
<b>Total Appropriations for Capital Contributions to the Department</b>	-	-	-	-	500	-	
<b>Total Appropriations</b>	49,499	-	49,499	-	51,737	-	

## Part C - Explanation of Appropriations for Output Classes

### C1 - Departmental Output Classes

#### *Legal Advice and Representation*

This output class comprises the provision of legal advice and representation services to central government departments and agencies with special emphasis on constitutional and other matters of public and administrative law, including Treaty of Waitangi and revenue issues.

The legal advice and representation services provided take into account the responsibility of the Government to conduct its affairs in accordance with the law and the underlying role of the Office to discharge the responsibilities of the Attorney-General and Solicitor-General to act in the public interest.

#### *Supervision and Conduct of Crown Prosecutions*

This output class involves the provision of a national Crown prosecution service, which undertakes criminal trials on indictment and related appeals. The output class involves the supervision of the network of Crown Solicitors, who deliver the prosecution service in centres where District Court and High Court jury trials are conducted throughout New Zealand, and the provision of advice on criminal law matters to other government agencies and Crown Solicitors.

The advice on criminal law matters includes undertaking work in the following areas: proceeds of crime, mutual assistance, blood sampling for DNA, requests for Crown appeals arising out of summary prosecutions, consents to prosecute, applications for stays and immunity from prosecution.

#### *Conduct of Criminal Appeals*

This output class involves the conduct of all appeals, which arise out of criminal trials on indictment and from Crown appeals. The majority of appeals are brought by the offender. They involve pre-trial applications and appeals against sentence and conviction. The decision on whether to take a Crown appeal is a statutory function of the Solicitor-General.

#### *The Exercise of Principal Law Officer Functions*

This output class covers the provision of legal and administrative services to the Attorney-General and Solicitor-General to assist them in the exercise of their Principal Law Officer functions, the provision of legal advice to Government and Ministers of the Crown, including advice on constitutional and governance related issues, and advice to the judiciary regarding legal processes.



The particular services provided include:

- monitoring the enforcement and application of the law
- supervision of charities
- representation of the public interest
- relator proceedings
- vexatious litigant proceedings
- the exercise of a variety of powers, duties and authorities arising from statutory requirements and constitutional conventions.

This output class also includes the review of legislation for compliance with the Bill of Rights Act 1990, and advice on the appointment processes for judges and Queens Counsel.

## Part E - Explanation of Appropriations for Capital Flows

### E1 - Capital Contributions

The capital appropriation for 2003/04 of \$500,000 provides essential working capital.

### *Net Worth of Entities Owned*

#### Statement of Estimated and Forecast Net Worth

	Balance Date	Estimated Net Worth 2003 \$ million	Forecast Net Worth 2004 \$ million
Crown Law Office	30 June	1.936	2.436